

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

JB WHITLEY, III
ADC #122270

PLAINTIFF

V.

NO: 4:07CV00747 JMM

RUTH AKINS *et al.*

DEFENDANTS

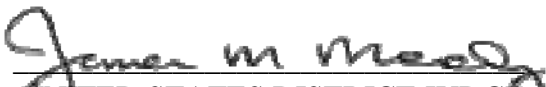
ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. Defendant's motion to dismiss (docket entry #7) is GRANTED, and Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.
2. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g).
3. The Court certifies that an *in forma pauperis* appeal taken from the order dismissing this action is considered frivolous and not in good faith.

DATED this 29 day of November, 2007.


UNITED STATES DISTRICT JUDGE